

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

- against -

COHMAD SECURITIES CORPORATION, et al.,

Defendants.

SIPA LIQUIDATION

Index No. 08-01789 (BRL)

Adv. Pro. No. 09-01305 (BRL)

FILED
U.S. BANKRUPTCY COURT
2011 MAR - 3 P 3:24
S.D. OF N.Y.

**DEFENDANT ROBERT M. JAFFE'S STATEMENT OF ISSUES PRESENTED ON
APPEAL AND DESIGNATION OF RECORD ON APPEAL**

Robert M. Jaffe, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure and Local Rule 8007-1 of the United States Bankruptcy Court for the Southern District of New York, hereby designates the following items to be included in the record and sets forth the following issues to be presented on appeal to the United States District Court for the Southern District of New York from the *Bench Memorandum Decision And Order signed on 2/3/2011 Denying Motion for An Order Enforcing this Court's Settlement Order of December-21, 2010, And Enjoining The Continued Prosecution of the Third Party Actions* [Docket No. 193] entered by the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") in the above-captioned case on February 3, 2011, and from each and every part thereof.

STATEMENT OF ISSUES PRESENTED ON APPEAL¹

1. Did the Bankruptcy Court err in determining that it lacked jurisdiction to adjudicate Mr. Jaffe's motion for an order enforcing a settlement order issued by the Bankruptcy Court on December 21, 2010, and enjoining the continued prosecution of multiple third party actions against Mr. Jaffe in violation of the Bankruptcy Court's settlement order.

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL²

ITEM	INDEX NO. 08-01789 DOCKET NO.	DATE OF FILING	DOCUMENT
1	3551	12/21/2010	Order signed on 12/21/2010 Approving a Settlement Agreement by and between Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and the Shapiro Family.
2	3799	01/21/2011	Memorandum of Law of <i>Third Parties Turbo Investors LLC, James S. Herscot et al</i> in Opposition to motion by Robert M. Jaffe for Order Enjoining Continued Prosecution of Third party Action, filed by A. Peter Lubitz on behalf of Turbo Investors LLC et al., Profit Sharing Plan.

¹ Mr. Jaffe reserves the right to modify, restate, and/ or supplement the following issues on appeal to the extent permitted by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

² Each designated item includes any and all exhibits attached thereto.

ITEM	ADV. PRO. NO. 09-01305 DOCKET NO.	DATE OF FILING	DOCUMENT
3	1	06/22/2009	Complaint against Cohmad Securities Corporation, Maurice J. Cohn, Marcia B. Cohn, Robert Jaffe, Alvin J. Delaire, Jr., Stanley Mervin Berman, Jonathan Greenberg, Cyril Jalon, Morton Kurzrok, Linda Schoenheimer McCurdy, Richard Spring, Rosalie Buccellato, Milton S. Cohn, Marilyn Cohn, Jane M. Delaire a/k/a Jane Delaire Hackett, Carole Delaire, Edward H Kohlschreiber, Edward H Kohlschreiber SR REV MGT Trust, Gloria Kurzrok, Joyce Berman, S & J Partnership, Janet Jaffin Revocable Trust, The Spring Family Trust, Jeanne T. Spring Trust, The Estate of Elena Jalon, The Joint Tenancy of Phyllis Guenzburger and Fabian Guenzburger, The Joint Tenancy of Robert Pinchou and Fabian Guenzburger, Elizabeth M. Moody . Nature(s) of Suit: (11 (Recovery of money/property - 542 turnover of property)), (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other)), filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Attachments: Exhibits 1-11).
4	29	08/21/2009	Notice of Motion for Dismissal <i>of Complaint</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.
5	30	08/21/2009	Memorandum of Law <i>in Support of Motion to Dismiss</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.
6	82	10/08/2009	Amended Complaint against all defendants, filed by Oren Warshavsky on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Attachments: Exhibits 1-17).
7	112	12/04/2009	<i>Notice of Motion to Dismiss First Amended Complaint</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe, M/A/S Capital Corporation.
8	113	12/04/2009	<i>Memorandum of Law in Support of Robert M. Jaffe and M/A/S Capital Corporation Motion to Dismiss</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe, M/A/S Capital Corporation.
9	134	03/01/2010	<i>Declaration of Oren J. Warshavsky in Support of Plaintiff Trustee's Omnibus Opposition to Defendants' Motions to</i>

			<i>Dismiss</i> , filed by Oren Warshavsky on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Attachments: Exhibits 1-13).
10	135	03/02/2010	Omnibus Opposition Brief <i>filed by Plaintiff Trustee in Opposition to Defendant's Motion to Dismiss</i> , filed by Oren Warshavsky on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC.
11	145	03/31/2010	<i>Memorandum of Law in Further Support of Motion to Dismiss the Complaint</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.
12	183	12/30/2010	<i>Stipulation of Dismissal with Prejudice</i> , filed by Oren Warshavsky on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC.
13	184	01/07/2011	<i>Notice of Defendant Robert M. Jaffe's Motion for an Order Enforcing this Court's Settlement Order of December 21, 2010, and Enjoining the Continued Prosecution of the Third Party Actions</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.
14	185	01/07/2011	<i>Defendant Robert M. Jaffe's Memorandum of Law in Support of his Motion for an Order Enforcing this Court's Settlement Order of December 21, 2010, and Enjoining the Continued Prosecution of the Third Party Actions</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe. (Attachments: Exhibits A-H)
15	185	01/07/2011	Statement of Claim, <i>Turbo Investors LLC, v. Cohmad Securities Corp. et al.</i> FINRA DR No. 09-15485 (Ex. A).
16	185	01/07/2011	Statement of Claim, <i>James S. Herscot, Alan N. Horowitz, and Chaban Investment Company v. Cohmad Securities Corp. et al.</i> FINRA DR No. 10-01143 (Ex. B).
17	185	01/07/2011	Complaint, <i>White Mountain Sports, Inc. Profit Sharing Plan, NY, Andrew Rosenberg and Sharon Rosenberg v. Cohmad Securities Corp. et al.</i> , No. 10 Civ. 7999 (MCG) (S.D.N.Y. Oct. 20, 2010) (Ex. C).
18	185	01/07/2011	Settlement Agreement Between Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and the Shapiro Family, dated 12/7/2010 (Ex. D).
19	185	01/07/2011	Affidavit of Irving H. Picard, dated 12/7/2010 (Ex. E).

20	185	01/07/2011	Motion for entry of order pursuant to section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure approving an agreement by and between the Trustee and the Shapiro family, dated 12/7/2010 (Ex. F).
21	185	01/07/2011	Complaint, <i>Picard v. Turbo Investors, LLC.</i> , Adv. Pro. No. 10-05171 (BRL) (Bankr. S.D.N.Y 2010) Dkt. No. 1 (Ex. G).
22	187	01/21/2011	Opposition Brief / <i>Trustee's Opposition To Robert M. Jaffe's Motion for an Order Enforcing This Court's Settlement Order of December 21, 2010, and Enjoining the Continued Prosecution of the Third Party Actions</i> filed by Oren Warshavsky on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC.
23	188	01/28/2011	Reply Motion to Stay <i>Memorandum of Law in Further Support of his Motion for an Order Enforcing this Court's Settlement Order of December 21, 2010, and Enjoining the Continued Prosecution of the Third Party Actions</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.
24	189	01/28/2011	<i>Affirmation of Timothy L. Gallagher</i> filed by Stanley S. Arkin on behalf of Robert Jaffe.
25	189	01/28/2011	Notice of Trustee's Determination of Claim and Partial Assignment and Release entered into by the Trustee and the Herscot Third Party Plaintiffs in <i>In re Bernard L. Madoff Investment Securities, LLC</i> , No. 08-01789 (Bankr. S.D.N.Y. 2008) (Ex. D).
26	189	01/28/2011	Notice of Trustee's Determination of Claim and Partial Assignment and Release entered into by the Trustee and the Horwitz Third Party Plaintiffs in <i>In re Bernard L. Madoff Investment Securities, LLC</i> , No. 08-01789 (Bankr. S.D.N.Y. 2008) (Ex. E).
27	189	01/28/2011	Notice of Trustee's Determination of Claim and Partial Assignment and Release entered into by the Trustee and the Chaban Third Party Plaintiffs in <i>In re Bernard L. Madoff Investment Securities, LLC</i> , No. 08-01789 (Bankr. S.D.N.Y. 2008) (Ex. F).
28	189	01/28/2011	Notice of Trustee's Determination of Claim and Partial Assignment and Release entered into by the Trustee and the White Mountain Third Party Plaintiffs in <i>In re Bernard L.</i>

			<i>Madoff Investment Securities, LLC</i> , No. 08-01789 (Bankr. S.D.N.Y. 2008) (Ex. G).
29	193	02/03/2011	Bench Memorandum Decision And Order signed on 2/3/2011 Denying Motion for An Order Enforcing this Court's Settlement Order of December 21, 2010, And Enjoining The Continued Prosecution of the Third Party Actions.
30	196	02/07/2011	Errata Order signed on 2/7/2011. RE: Bench Memorandum Decision and Order Denying Motion for an Order Enforcing This Courts Settlement Order of 12/21/2010, and Enjoining the Continued Prosecution of The Third Party Actions.
31	197	02/17/2011	Notice of Appeal <i>of the Bench Memorandum Decision and Order signed by the Hon. Burton R. Lifland, United States Bankruptcy Judge, and entered in this adversary proceeding on the 3rd day of February, 2011</i> , filed by Stanley S. Arkin on behalf of Robert Jaffe.

The names, addresses, and telephone numbers for the respective attorneys to all parties to the Bench Memorandum Decision and Order Denying Motion for an Order Enforcing this Court's Settlement Order of 12/21/2010, and Enjoining the Continued Prosecution of the Third Party Actions, are listed below:

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Dated: New York, NY
March 3, 2011

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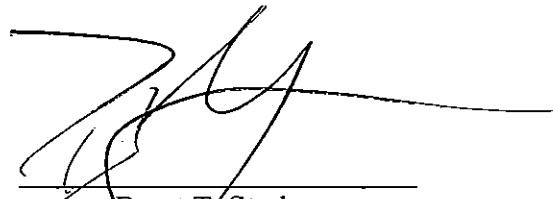
CERTIFICATE OF SERVICE

I, Brent T. Starks, certify that on March 3, 2011, I caused a true and correct copy of Defendant Robert M. Jaffe's **DEFENDANT ROBERT M. JAFFE'S STATEMENT OF ISSUES PRESENTED ON APPEAL AND DESIGNATION OF RECORD ON APPEAL**, and all exhibits thereto, to be served via Federal Express Overnight Delivery upon the following:

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